

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 21-0561.01 Jane Ritter x4342

HOUSE BILL 21-1151

HOUSE SPONSORSHIP

McLachlan and Catlin,

SENATE SPONSORSHIP

Coram,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ALLOWING A FEDERALLY RECOGNIZED INDIAN TRIBE TO**
102 **CERTIFY ITS OWN FOSTER HOMES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law allows only a county department of human or social services or a child placement agency to certify foster homes. The bill updates statute to allow for a federally recognized Indian tribe pursuant to applicable federal law to certify its own foster homes.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
March 26, 2021

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 26-6-102, **amend** (4),
3 (14), and (21) as follows:

4 **26-6-102. Definitions.** As used in this article 6, unless the context
5 otherwise requires:

6 (4) "Certification" means the process by which ~~the~~ A county
7 department of human or social services, ~~or~~ a child placement agency, OR
8 A FEDERALLY RECOGNIZED TRIBE PURSUANT TO APPLICABLE FEDERAL LAW
9 approves the operation of a foster care home.

10 (14) "Foster care home" means a home that is certified by a county
11 department or A child placement agency pursuant to section 26-6-106.3,
12 OR A FEDERALLY RECOGNIZED TRIBE PURSUANT TO APPLICABLE FEDERAL
13 LAW, for child care in a place of residence of a family or person for the
14 purpose of providing twenty-four-hour family foster care for a child under
15 the age of twenty-one years. A foster care home may include foster care
16 for a child who is unrelated to the head of the home or foster care
17 provided through a kinship foster care home but does not include
18 noncertified kinship care, as defined in section 19-1-103 (78.7). ~~C.R.S.~~
19 The term includes any foster care home receiving a child for regular
20 twenty-four-hour care and any home receiving a child from any
21 state-operated institution for child care or from any child placement
22 agency, as defined in subsection (7) of this section. "Foster care home"
23 also includes those homes licensed by the department of human services
24 pursuant to section 26-6-104 that receive neither ~~moneys~~ MONEY from the
25 counties nor children placed by the counties.

26 (21) "Kinship foster care home" means a foster care home that is
27 certified by ~~either~~ a county department or A licensed child placement

1 agency pursuant to section 26-6-106.3 OR A FEDERALLY RECOGNIZED
2 TRIBE PURSUANT TO APPLICABLE FEDERAL LAW as having met the foster
3 care certification requirements and where the foster care of the child is
4 provided by kin. Kinship foster care providers are eligible for foster care
5 reimbursement. A kinship foster care home provides twenty-four-hour
6 foster care for a child or youth under the age of twenty-one years.

7 **SECTION 2. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly; except
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V
11 of the state constitution against this act or an item, section, or part of this
12 act within such period, then the act, item, section, or part will not take
13 effect unless approved by the people at the general election to be held in
14 November 2022 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.